

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GLEN BERTULFO,
Plaintiff,
v.
GREENSKY LLC,
Defendant.

Case No. 17-CV-00459-LHK

**ORDER GRANTING MOTION TO
WITHDRAW MOTION TO RE-OPEN**

Re: Dkt. Nos. 26, 27

On January 30, 2017, Plaintiff Glen Bertulfo (“Plaintiff”) filed this action against GreenSky, LLC (“Defendant”) alleging causes of action under the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 *et seq.*, and the Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* See ECF No. 1. On June 30, 2017, the parties filed a Stipulation to Arbitration stating that “[p]ursuant to the binding arbitration provision in the Loan Agreement between Plaintiff Glen Bertulfo and Defendant GreenSky, LLC,” this action “shall be dismissed and arbitration initiated with the American Arbitration Association or JAMS.” ECF No. 24 at 1.

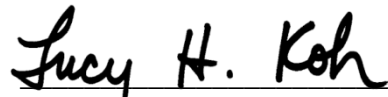
Then, on November 1, 2017, Plaintiff filed a Motion to Re-Open Case. ECF No. 26. Plaintiff stated in his motion that this case should be re-opened in this Court because the American Arbitration Association had “declined to administer this claim because the Defendant failed to

1 comply with several of its requests.” *Id.* at 2. However, on November 14, 2017, Plaintiff filed a
2 motion to withdraw Plaintiff’s November 1, 2017 Motion to Re-Open Case pursuant to Civil
3 Local Rule 7-7(e). ECF No. 27. Civil Local Rule 7-7(e) states that “[w]ithin the time for filing
4 and serving a reply, the moving party may file and serve a notice of withdrawal of the motion.
5 Upon the filing of a timely withdrawal, the motion will be taken off-calendar.”

6 Because Plaintiff filed a timely motion to withdraw Plaintiff’s November 1, 2017 Motion
7 to Re-Open Case, the Court GRANTS Plaintiff’s motion to withdraw. As a result, Plaintiff’s
8 November 1, 2017 Motion to Re-Open Case is WITHDRAWN.

9 **IT IS SO ORDERED.**

10
11 Dated: February 5, 2018

12 

13 LUCY H. KOH
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28